

LEWIS
ANDROCA
LLP

L A W Y E R S

E-Filed: 9/26/07

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR
SEPTEMBER 28, 2007 HEARINGS**

Date of Hearing: September 28, 2007
Time of Hearing: 10:30 a.m.
1:30 p.m.

Affects:

- ☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

10:30 a.m.

1. Adv. 06-01251-lbr, *USACM LIQUIDATING TRUST v. REALE et al*, **Order Rescheduling Pretrial and Trial. Pre-Trial Conference** [DE 92]

9/19/2007 Stipulation and Order Setting Pre-Trial Deadlines [DE 100]

9/__/2007 Joint Pretrial Statement

LEWIS
AND
ROCA
LLP
LAWYERS

1:30 p.m.

1. **Objection to Claim 10725-00390 of Caroline Gerwin in the amount of \$25,000.00 with Certificate of Service *Objection of USACM Trust to Caroline Gerwin Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4430]**

Status: No opposition filed

2. **Objection to Claim 10725-01120; 10725-01121; 10725-01144 of Andrew and Beth Mitchell in the amount of \$59,732.50/\$17,915.50/\$17,915.50 with Certificate of Service *Objection of USACM Trust to Andrew and Beth Mitchell Claims Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4432]**

Status: No opposition filed

3. **Objection to Claim 10725-02005 of Harrison Family Trust in the amount of \$25,281.25 with Certificate of Service *Objection of USACM Trust to Harrison Family Trust Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4434]**

Status: No opposition filed

4. **Objection to Claim 10725-00967 of Mary McKennon in the amount of \$50,000.00 with Certificate of Service *Objection of USACM Trust to Mary McKennon Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4436]**

Status: No opposition filed

5. **Objection to Claim 10725-01469 of Robert Lange, through Bernard Lange in the amount of \$150,000.00 with Certificate of Service *Partial Objection of USACM Trust to Robert Lange and Robert R. Lange Family Trust Claims to the Extent Filed in Wrong Debtor's Case and as Duplicative; Objection of FTDF to Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4438]**

Status: No opposition filed

LEWIS
AND
ROCA
LLP
LAWYERS

1 6. **Objection to Claim 10725-00558 of Nadine Morton in the amount of**
2 **\$16,882.42 with Certificate of Service *Objection of USACM Trust to Nadine Morton***
3 ***Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of***
4 ***Claim*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE
5 4440]

6 **Status:** No opposition filed. Nadine Morton has agreed to withdraw this
7 proof of claim, but is out of the country and may not return in
8 time to sign the stipulation prior to the hearing.

9 7. **Objection to Claim 10725-00108 of Kathleen J. Moore in the amount of**
10 **\$21,523.00 with Certificate of Service *Objection of USACM Trust to Kathleen Moore***
11 ***Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of***
12 ***Claim*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE
13 4442]

14 **Status:** No opposition filed

15 8. **Objection to Claim 10725-01384 of Victor Maus in the amount of**
16 **\$11,518.50 with Certificate of Service *Objection of USACM Trust to Victor Maus***
17 ***Claims Filed in Wrong Debtor's Case; Objection of FTDF to Duplicative Claim and***
18 ***Proposed Allowance of Claim*** filed by ROB CHARLES on behalf of USACM
19 LIQUIDATING TRUST [DE 4450]

20 **Status:** No opposition filed

21 9. **Objection to Claim 10725-01074 of Dr. Dennis Campton in the amount**
22 **of \$145,600.87 with Certificate of Service *Objection of USACM Trust to Dr. Dennis***
23 ***Campton Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed***
24 ***Allowance of Claim*** filed by ROB CHARLES on behalf of USACM LIQUIDATING
25 TRUST [DE 4452]

26 **Status:** No opposition filed

LEWIS
AND
ROCA
LLP
LAWYERS

10. **Objection to Claim 10725-00012-1; 10725-00012-2; 10725-00013-1; 10725-00013-2 of Frieda Moon fbo Sharon C. Van Ert in the amount of \$35,583.34/\$35,583.34/\$17,538.18/\$17,538.18 with Certificate of Service *Objection of USACM Trust to Frieda Moon fbo Sharon C. Van Ert Claims Filed in Wrong Debtor's Case; Objection of FTDF to Claims as Duplicative of Claims Previously Disallowed and Reclassified as Equity Interests in Corrected Amounts* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4454]**

Status: No opposition filed

11. **Objection to Claim 10725-00098-1; 10725-00098-3 of Robert and Beverley Carollo in the amount of \$100,000+/\$196,094.65 with Certificate of Service *Partial Objection to USACM Trust to Robert and Beverley Carollo Claim Filed in Wrong Debtor's Case; Objection of FTDF to Claim as Duplicative of Claim Previously Disallowed in FTDF Case; and Objection of DTDF to Claim as Duplicative of Claim Previously Disallowed in DTDF Case* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4456]**

Status: A stipulation for withdrawal of the duplicate claims and allowance of claimants' equity interest in DTDF is being circulated.

12. **Motion to Close Case And Request For Final Decree** Filed by LENARD E. SCHWARTZER on behalf of USA CAPITAL FIRST TRUST DEED FUND, LLC [DE 4242]

Response Filed: 8/14/2007 Response Filed by SHLOMO S. SHERMAN on behalf of OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC [DE 4493]

Reply Filed: 8/21/2007 Reply in Support of Motion to Close Case and Request For Final Decree Filed by JEANETTE E. MCPHERSON on behalf of USA CAPITAL FIRST TRUST DEED FUND, LLC [DE 4611]

Status: Hearing was continued from August 23, 2007

LEWIS
AND
ROCA
LLP
LAWYERS

13. **Motion to Classify Claim *USACM Liquidating Trust's Motion to Classify Claims Filed by Pecos Professional Park Limited Partnership in Plan of Class A-7, and Reservation of Counterclaims and Objections*** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3081]

Opposition Filed: Opposition Filed by JEFFREY R. SYLVESTER on behalf of 4/19/2007 PECOS PROFESSIONAL PARK, LLC [DE 3494]

Related Filings: Declaration Of: Edward M. Burr *in Support of USACM Liquidating Trust Objections to Proofs of Claim and Motions to Classify Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3082]

Status: It is unclear whether Pecos Professional Park Limited Partnership is still represented by counsel or who the decision maker is now.

14. **Motion to Extend Time to Object *Motion to Bridge Deadline to File Objection to Allowance of Claims*** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4404]

Related Filing: Order Granting Motion to Bridge Deadline to File Objection to 8/24/2007 Allowance of Claims [DE 4625]. This order extended the deadline to October 15, 2007

Status: No opposition filed.

LEWIS
AND
ROCA
LLP
LAWYERS

15. Adv. 06-01256-lbr, USA COMMERCIAL MORTGAGE COMPANY et al v. REALE et al, ***Motion to Strike Jury Demand; Memorandum of Points and Authorities*** Filed by ANNE M. LORADITCH on behalf of OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [DE 274]

Opposition Filed: 5/22/2007 Opposition *TO PLAINTIFF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC'S MOTION TO STRIKE JURY DEMAND* Filed by PETER W. GUYON on behalf of BOB ALUM, FRANK J. BELMONTE, JR., JEAN JACQUES BERTHELOT, GARY BRENNAN, WILLIAM F ERRINGTON, HARV GASTALDI, GREAT WHITE INVESTMENTS, NV, INC., VINCENT GREEN, JAYEM FAMILY LTD PARTNERSHIP, AIMEE KEARNS, KLAUS KOPF, ARLENE KRAUS, BERNARD KRAUS, JOSEPH B. LAFAYETTE, JASON G LANDESS, SVEN LEVIN, JACQUES M. MASSA, Betty Phenix, R&N REAL ESTATE INVESTMENTS, R.G.T. MILLER (TRUSTEE), DENNIS F. SIPIORSKI, DAVID STIBOR, KENNETH TRECHT, ROBERT J. VERCHOTA, STEVE WALTERS, RUSSELL J. ZUARDO [DE 323]

Joinder Filed: 5/23/2007 Joinder with Certificate of Service Filed by CRAIG ORROCK [DE 332]

Reply Filed: 5/29/2007 Reply *in Support of Motion to Strike Jury Demand* Filed by ANNE M. LORADITCH on behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [DE 341]

Related Filings: 5/10/2007 Ex Parte Motion for Order Shortening Time *for Motion to Strike Jury Demand; Memorandum of Points and Authorities* Filed by ANNE M. LORADITCH on behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [DE 275]

5/15/2007 Order Granting Ex Parte Application for Order Shortening Time for Hearing on Motion to Strike Jury Demand [DE 290]

9/21/2007 Notice of Individuals Not Subject to Settlement Agreement [DE 223 in HMA Sales, LLC]

16. **Objection to Claim 10725-02348, 10725-02351 of Teri L. Melvin in the amount of \$97,670.00/\$49,561.13 with Certificate of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4582]

Status: No opposition filed

LEWIS
AND
ROCA
LLP
LAWYERS

17. **Objection to Claim 10725-02395 of Tony Suarez in the amount of \$24,571.96 with Certificate of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4584]

Status: No opposition filed

18. **Objection to Claim 10725-02463 of Pedro L. and Carol A. Barroso Trust dated 11/29/90 in the amount of \$41,569.41 with Certificate of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4586]

Status: No opposition filed

19. **Objection to Claim 10725-2465 of Malcolm Jr. and Joan B. Telloian in the amount of \$26,146.38 with Certificate of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4588]

Status: No opposition filed

20. ***Thirty Fourth Omnibus Objection of the USACM Liquidating Trust to Claims Asserting Secured Status*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4613]

Status: No opposition filed

21. ***Thirty-Fifth Omnibus Objection of the USACM Liquidating Trust to Claims Asserting Secured Status*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4615]

Related Filing: *Stipulation re Proof of Claim of Musso Living Trust Listed in 9/19/2007 Thirty-Fifth Omnibus Objection to Proofs of Claim Filed as Secured* filed by Rob Charles on behalf of USACM Liquidating Trust [DE 4817]

9/20/2007 Order Approving Stipulation and Sustaining Thirty-Fifth Omnibus Objection to Proof of Claim filed by Musso Living Trust [DE 4818]

Status: No opposition filed except for Musso Living Trust, which has been resolved by stipulation.

LEWIS
AND
ROCA
LLP
LAWYERS

22. **Motion for Order to Show Cause *Why DR. LUCIUS BLANCHARD Should Not Be Held In Contempt of Court* Filed by ERIC D MADDEN on behalf of USACM LIQUIDATING TRUST [DE 4621]**

Related Filings: Declaration Of: Eric D. Madden Filed by ERIC D MADDEN on 8/23/2007 behalf of USACM LIQUIDATING TRUST [DE 4622]
9/21/2007 Opposition to Liquidating Trust's Application For Order to Show Cause Why Dr. Lucius Blanchard Should Not Be Held in Contempt of Court and Countermotion for a Protective Order [DE 4839]
9/26/2007 Notice of Withdrawal of Motion to Show Cause Why Dr. Lucius Blanchard Should Not be held in Contempt of Court and Request to Vacate Hearing [DE 4884]

Status: The motion has been withdrawn.

23. **Motion to Approve Stipulated Judgment and/or Order *Motion to Approve Amended Stipulated Protective Order* Filed by ERIC D. MADDEN on behalf of USACM LIQUIDATING TRUST [DE 4624]**

Status: No opposition filed. A revised version of the Amended Stipulated Protective order, as approved by movants and Joseph D. Milanowski, was uploaded on 9/20/07.

24. **Partial Objection to Claim 10725-00010 of Arlene Cronk in the amount of \$272,206.96 with Certificate of Service *Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim; and Objection of DTDF to Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4643]**

Status: No opposition filed

25. **Partial Objection to Claim 10725-00627 of Mark Daniel Donnolo in the amount of \$600,000.00 with Certificate of Service *Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim and Objection of DTDF to Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4645]**

Status: No opposition filed

LEWIS
AND
ROCA
LLP
LAWYERS

26. **Objection to Claim 10725-02464 of Labossiere Family Trust Dated 3/20/1987, Gerard and Lucille Labossiere Trustees in the amount of \$1,500.00 and Proposed Allowance of Claim 10725-00219 as Informal Proof of Claim** filed by SHLOMO S. SHERMAN on behalf of OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC [DE 4647]

Opposition Filed: Opposition filed by Gerard and Lucille Labossiere [DE 4724] 9/07/2007

9/25/07 Stipulation re Allowance of Informal Proof of Claim and Withdrawal of Duplicate Claim filed by Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund [DE 4883]

Status: Resolved by stipulation.

27. **Motion to Extend Time to Object Motion to Further Extend Deadline to File Objection to Allowance of Claims With Certificate Of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4670]

Related Filings: Declaration Of: Edward M. Burr *in Support of Motion to Further Extend Deadline to Object to Allowance of Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4671]

9/25/2007 Notice of Posting to Website [DE 4882]

Status: No opposition filed.

DATED: September 26, 2007.

LEWIS AND ROCA LLP

By: /s/ Rob Charles (#6593)
Susan M. Freeman, AZ 4199 (*pro hac vice*)
Rob Charles, NV 6593
Counsel for USACM Liquidating Trust